

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

Frank Harmon Black and Southeast Investments, N.C., Inc.,)
Plaintiffs,) Case No. 3:23-cv-709-RJC-DCK
v.)
Financial Industry Regulatory Authority and Securities and Exchange Commission,)
Defendants.)

CROSS-MOTION FOR SUMMARY JUDGMENT

Defendant Financial Industry Regulatory Authority, Inc. (“FINRA”) respectfully cross-moves for summary judgment on all of Plaintiffs’ claims under Fed. R. Civ. P. 56(a). There is no genuine dispute of any material fact, and, as a matter of law, judgment should be entered in favor of FINRA on Counts 1 and 2 of Plaintiffs’ Complaint; the Court should dismiss Count 3 for lack of subject matter jurisdiction, or if it concludes that it possesses jurisdiction, should enter judgment for FINRA on that claim. Per Local Civil Rule 7.1(c), the reasons supporting this motion are set forth in a separate brief filed along with the motion.

CONCLUSION

The Court should grant FINRA’s cross-motion for summary judgment on all of Plaintiffs’ claims.

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Respectfully submitted,

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